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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL R. JONES,

No. 2:11-CV-02799-MCE-CMK

12 Plaintiff,

13 vs.

ORDER

14 OFFICE OF WORKERS' COMP.
15 PROGRAMS,

16 Defendant.
_____ /

17 Plaintiff, who is proceeding pro se, brings this civil action pursuant to 5 U.S.C.
18 § 522a(g)(1) to remedy alleged violations of the Privacy Act of 1974. The matter was referred to
19 a United States Magistrate Judge pursuant to Eastern District of California local rules.

20 On October 22, 2012, the Magistrate Judge filed findings and recommendations
21 herein (ECF No. 44) which were served on the parties and which contained notice that the
22 parties may file objections within a specified time. Timely objections to the findings and
23 recommendations have been filed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304(f), this Court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the Court finds the findings and recommendations to be supported by the record and
4 by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations filed October 22, 2012 (ECF No. 44)
7 are ADOPTED IN FULL;

8 2. Defendant's motion to dismiss (ECF Nos. 32 and 35) is GRANTED;

9 3. Plaintiff's access claim is DISMISSED with prejudice as moot;

10 4. Plaintiff's amendment claim is DISMISSED without prejudice and
11 without leave to amend as unexhausted;


12 5. Plaintiff's claim for benefits is DISMISSED with prejudice as an
13 impermissible collateral challenge to the underlying agency decisions;

14 6. Plaintiff's catch-all damages claim is DISMISSED with leave to amend;
15 and

16 7. Plaintiff's motion for discovery (ECF No 31) is DENIED without
17 prejudice to renewal, at the earliest, following filing of an amended complaint; and

18 8. Plaintiff shall file an amended complaint, if he chooses to do so, within
19 thirty (30) days from the date this Order is electronically filed. If no amended pleading is filed
20 within 30 days, the Court will dismiss Plaintiff's catch-all damages claim with prejudice and will
21 direct the Clerk of the Court to close this case.

22 DATED: February 25, 2013

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25 MORRISON C. ENGLAND, JR., CHIEF JUDGE
26 UNITED STATES DISTRICT JUDGE